THE HON'BLE SRI JUSTICE V.V.S.RAO

AND

THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.21252 of 2001

Dated: 07-06-2007

Between:

Rachala Malchuru and another.

..... PETITIONERS

AND

The District Collector & Agent to the Government,
Khammam District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

AND

THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.21252 of 2001

ORDER: (per the Hon'ble Sri Justice V.V.S.Rao)

The grandfather of the petitioners, namely, Rachala Guravaiah, allegedly purchased land admeasuring Acs.4.07 guntas in survey No.268 situated in Karivarigudem, Julurupadu Mandal, Khammam District, on 14.03.1962. He and after his death his successors were cultivating the land as alleged. Second respondent initiated action under Section 3(1)(a) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (Regulation No.I of 1959, for brevity) as amended by Regulation No.I of 1970 against the fathers of the petitioners and by order dated 13.11.1997 the petitioners were directed to be evicted. The petitioners allege that notice was not served properly and that the order passed by second respondent was not even communicated to them. Be that as it is, the petitioners after the demise of their predecessors filed appeal under Section 3(3)(a) of the Regulation No.I of 1959 with delay of fifteen days. By impugned order dated 15.10.1999 made in I.A.No.15 of 1998, first respondent-appellate authority declined to condone the delay on the ground that notice was served twice on first petitioner, who received the same on behalf of his father and that notice was also served on second petitioner.

Heard the learned counsel for the petitioners and the learned Government Pleader for Social Welfare.

It is submitted on behalf of the petitioners that when the original authority passed orders on 13.11.1997, the same was against the predecessors of the petitioners though notice was served on the petitioners. He also submits that after the death of the predecessors, the petitioners pursued the matter by filing appeal and hence the delay occurred. According to the learned counsel, delay being not much, first respondent ought to have considered condonation of the same.

After perusing the record and considering the submissions, we, in the interests of justice, feel that the delay of fifteen days ought to have been condoned by first respondent, especially when notices were served on behalf of the petitioners though the proceedings were initiated by the original authority against their predecessors. In fact the petitioners or their predecessors had no opportunity of effectively

meeting the case initiated by second respondent. Accordingly we allow the writ petition setting aside the order in I.A.No.15 of 1998 dated 15.10.1999. We condone the delay of fifteen days in filing the appeal before first respondent and remit the appeal to him for expeditious disposal within a period of three months from the date of receipt of a copy of this order. If the land has already not been assigned, there shall be *status quo* obtaining as on today. There shall be no order as to costs.

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V.V.S.RAO, J

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G.V.SEETHAPATHY, J

07th June, 2007
ghn